

Prior law provides for the procedures to be used under the La. Binding Arbitration Law.

New law provides that failure to pay within 10 business days any required deposit, fee, or expense shall constitute default in the arbitration proceeding and a party aggrieved by the default shall be entitled to remove the matter under arbitration to a court and shall be entitled to attorney fees and costs in addition to other remedies.

New law provides that the parties may offer such evidence as is relevant and material to the dispute and shall produce such evidence as the arbitrators may deem necessary to an understanding and determination of the dispute, and strict conformity to the Code of Evidence shall not be necessary, except for laws pertaining to testimonial privileges.

New law requires the arbitrators to determine the admissibility, relevance and materiality of the evidence offered, including the admissibility of expert evidence, and authorizes the exclusion of evidence deemed by the arbitrator or arbitrators to be cumulative or irrelevant.

New law provides that an arbitrator or other person authorized by law to summon witnesses or documents may do so upon the request of any party or independently.

New law does not apply to any cause of action or claim existing on or prior to August 15, 2010.

Effective August 15, 2010.

(Amends R.S. 9:4203 and 4206)